

[DNFSB LETTERHEAD]

May 5, 1995

The Honorable Hazel R. O'Leary
Secretary of Energy
Washington, D.C. 20585

Dear Secretary O'Leary:

The Defense Nuclear Facilities Safety Board (Board) has reviewed the February 28, 1995 Implementation Plan for [Recommendation 94-1](#) and has found it to be a major improvement over the original Implementation Plan. The revised Implementation Plan is acceptable to the Board with three conditions:

1. The implementation of Recommendation 94-1 should be directed by a dedicated project organization.
2. The Department of Energy will remain committed to bringing all plutonium metal and oxide into conformance with the 50-year storage standard by May 2002.
3. DOE will aggressively move to acquire all necessary resources, perform all needed research and development to meet the projected milestones, and fulfill all legal requirements. The urgency motivating Recommendation 94-1 implies that DOE is expected to avail itself of the flexibility provided by the National Environmental Protection Act and other relevant statutes, in the event more expeditious action is necessary or appropriate, to meet the schedules in the Board's Recommendation and the Implementation Plan.

DOE's Implementation Plan places conditions on the commitments, schedules, and other proposed actions, making them contingent upon DOE's obtaining adequate resources, completion of studies under environmental laws, and so on. With respect to resources, the statute establishing the Board requires the Secretary to promptly notify Congress if the Secretary determines that the implementation of the Board recommendation (or part thereof) is impracticable because of budgetary considerations. 42 U.S.C. § 2286d(f)(2). With respect to environmental statutes, DOE must comply with all applicable laws. Nevertheless, none of these contingencies can or needs to be a justification for not meeting the schedules recommended by the Board in Recommendation 94-1 or for allowing the worsening conditions within the defense nuclear facilities to become an imminent or severe threat to the health and safety of the public or workers. The time commitments recommended by the Board and accepted by DOE are driven by the need for remediation to proceed without further delay. One year has now passed since the Board initially identified problems needing remediation within two to three years.

The Board will continue to monitor possible delays by DOE in implementing this recommendation and will make further recommendations as it deems necessary and appropriate to assure the health and safety of the public and the workers. We look forward to working with you and your staff toward the aggressive implementation of this

recommendation.

Sincerely,

John T. Conway
Chairman

c: Mr. Mark Whitaker, EH-9